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RDT-07000/58983

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CANAL INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
N.L. MONTGOMERY AND SON)
SAWMILL, INC., MIKE RILEY, JR.,)
MIKE RILEY, SR., OLD SOUTH)
FREIGHT SERVICE, INC., RUBY)
BROWN, and AMERICAN)
AMBASSADOR CASUALTY CO., as)
Intervening Defendant,)
)
Defendants.)

No. 1-05-1085-T/An

JOINT ~~PROPOSED~~ RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)): September 6, 2005

JOINING PARTIES:

for Plaintiff: December 15, 2005
for Defendants: January 2, 2006

AMENDING PLEADINGS:

for Plaintiff: December 15, 2005
for Defendants: January 2, 2006

COMPLETING ALL DISCOVERY: February 16, 2006

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and
REQUESTS FOR ADMISSIONS:** November 30, 2005

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(b) EXPERT DISCLOSURE (Rule 26(a)(2)):

- (i) Plaintiff's Experts:** November 15, 2005
- (ii) Defendants' Experts:** November 30, 2005
- (iii) Supplementation under Rule 26(e):** December 12, 2005

(c) DEPOSITION OF EXPERTS: December 30, 2005

FILING DISPOSITIVE MOTIONS: March 16, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff:** May 26, 2006
- (b) for Defendants:** June 12, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 2 days and is currently **SET** for **NON-JURY TRIAL** on **WEDNESDAY, July 12, 2006 at 9:30 A.M.** A joint pretrial order is due on **FRIDAY, JUNE 30, 2006**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes

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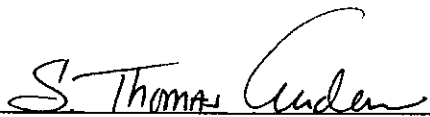
that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to a trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.


This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates as set by this Order will not be modified or extended.

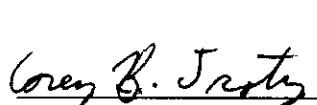

IT IS SO ORDERED.

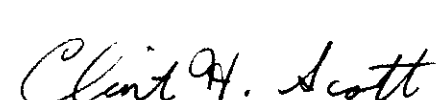


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: August 26, 2005

APPROVED FOR ENTRY:


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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon the following attorneys or parties by mailing postage prepaid:

Mike Riley, Sr.
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This the 18th day of August, 2005.

OLSK



Notice of Distribution

This notice confirms a copy of the document docketed as number 26 in case 1:05-CV-01085 was distributed by fax, mail, or direct printing on August 29, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT